

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Elizabeth Perry	Team: Team # 7	CCRB Case #: 200705426	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/19/2007 3:30 PM	Location of Incident: § 87(2)(b) and at the 77th Precinct stationhouse	Precinct: 77	18 Mo. SOL 10/19/2008	EO SOL 10/19/2008	
Date/Time CV Reported Thu, 04/19/2007 4:44 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/19/2007 4:59 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM John Acconi	05075	919972	077 PCT
2. SGT Steven Talvy	05408	901056	077 PCT
3. POM Steven Margaritis	26964	927568	077 PCT
4. POF Maribel Sarante	10211	931973	077 PCT
5. POM Joseph Tillotson	30215	931330	077 PCT
6. Officers			
7. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Nicholas Tricarico	26212	934224	077 PCT
2. POM Anthony Carozza	16222	929837	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: At § 87(2)(b) in Brooklyn, officers drew their guns.	
B.POM Joseph Tillotson	Abuse: At § 87(2)(b) in Brooklyn, PO Joseph Tillotson damaged § 87(2)(b)'s property.	
C.POM Joseph Tillotson	Abuse: PO Joseph Tillotson entered and searched § 87(2)(b) in Brooklyn.	
D.POM Steven Margaritis	Abuse: PO Steven Margaritis entered and searched § 87(2)(b) in Brooklyn.	
E.POF Maribel Sarante	Abuse: PO Maribel Sarante entered and searched § 87(2)(b) in Brooklyn.	

Officer(s)	Allegation	Investigator Recommendation
F.POF Maribel Sarante	Force: At § 87(2)(b) in Brooklyn, PO Maribel Sarante pointed her gun at § 87(2)(b) and § 87(2)(b) § 87(2)(b)	
G.POM Steven Margaritis	Discourtesy: At § 87(2)(b) in Brooklyn, PO Steven Margaritis spoke obscenely to § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b)	
H.POM John Acconi	Force: At § 87(2)(b) in Brooklyn, PO John Acconi used physical force against § 87(2)(b) § 87(2)(b)	
I.POM John Acconi	Discourtesy: At § 87(2)(b) in Brooklyn, PO John Acconi spoke obscenely to § 87(2)(b) § 87(2)(b)	
J.POF Maribel Sarante	Force: At § 87(2)(b) in Brooklyn, PO Maribel Sarante struck § 87(2)(b) with a nightstick.	
K.POM Steven Margaritis	Abuse: At § 87(2)(b) in Brooklyn, PO Steven Margaritis threatened § 87(2)(b) with the use of force.	
L.POM John Acconi	Off. Language: While en route to the 77th Precinct stationhouse, PO John Acconi made remarks to § 87(2)(b) § 87(2)(b) based upon race.	
M.POM John Acconi	Discourtesy: At the 77th Precinct stationhouse, PO John Acconi spoke obscenely to § 87(2)(b) § 87(2)(b)	
N.SGT Steven Talvy	Abuse: At the 77th Precinct stationhouse, Sgt. Steven Talvy refused to provide his name and shield number to § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b)	
O. An officer	Discourtesy: At the 77th Precinct stationhouse, an officer spoke obscenely to § 87(2)(b) § 87(2)(b)	

Synopsis

There are several complainants in this case. § 87(2)(b) made a complaint to the IAB command center on May 19, 2007. IAB referred Log number 07-14889 to the CCRB on May 20, 2007. § 87(2)(b) who did not witness the incident, called the CCRB on April 19, 2007 to complain on behalf of his cousins, § 87(2)(b) and § 87(2)(b). § 87(2)(b)'s complaint generated this case, CCRB case number 200705426. § 87(2)(b) a witness to the incident, also called the CCRB on April 19, 2007, generating CCRB case number 200705448, which was closed as a duplicate of this case. § 87(2)(b) and § 87(2)(b) both of whom were directly involved in the incident, called the CCRB on April 20, 2007, generating CCRB case number 200705461, which was closed as a duplicate of this case.

On April 19, 2008 at approximately 4:30pm, § 87(2)(b) and § 87(2)(b) were smoking marijuana in front of § 87(2)(b) in Brooklyn. At that time, PO John Acconi, PO Steven Margaritis, PO Maribel Sarante and PO Joseph Tillotson, all of whom were assigned to the 77th Precinct, were driving by and noticed them smoking marijuana and decided to arrest them. The officers exited their vehicle and approached § 87(2)(b) and § 87(2)(b). § 87(2)(b) alleged that several of the male officers had their guns drawn (**Allegation A**). § 87(2)(b) and § 87(2)(b) fled towards the house at the sight of the officers, but § 87(2)(b) stayed where he was and blocked the path of the officers attempting to apprehend § 87(2)(b) and § 87(2)(b). PO Tillotson and PO Margaritis got past § 87(2)(b) and ran to the door that § 87(2)(b) and § 87(2)(b) had just gone into. Since they had locked the door, PO Tillotson broke through the door by kicking it in and knocking it off the hinges (**Allegation B**). PO Tillotson and PO Margaritis then entered and searched the house for § 87(2)(b) and § 87(2)(b) (**Allegations C and D**); it was also alleged that PO Sarante entered and searched the house at this time (**Allegation E**). Inside the house, § 87(2)(b) and § 87(2)(b) relatives of § 87(2)(b) alleged that PO Sarante had her gun pointed in their general direction (**Allegation F**). As PO Tillotson and PO Margaritis searched for § 87(2)(b) and § 87(2)(b) inside the house, § 87(2)(b) and § 87(2)(b) both of whom resided there, became engaged in verbal confrontations with the officers. § 87(2)(b) and § 87(2)(b) began protesting that the officers were not allowed to be inside the house without a warrant, and alleged that PO Margaritis said things such as, "Shut the fuck up," and, "I can do whatever the fuck I want," (**Allegation G**).

Outside, PO Acconi, PO Sarante and PO Margaritis allegedly struggled with § 87(2)(b) who was resisting arrest. PO Acconi threw § 87(2)(b) to the ground (**Allegation H**) and PO Acconi and PO Margaritis allegedly punched § 87(2)(b) (**Allegation H**). § 87(2)(b) alleged that PO Acconi told him to "Shut the fuck up," (**Allegation I**). § 87(2)(b) continued to resist arrest and PO Sarante hit § 87(2)(b) with her nightstick in the leg area more than one time (**Allegation J**). While the officers were struggling with § 87(2)(b), § 87(2)(b) went outside, told the officers to stop hitting his brother § 87(2)(b) and attempted to record the scene on his cell phone. When he did this, PO Margaritis allegedly told him to "Shut the fuck up," (**within Allegation G**) and threatened, "I'll fucking kill your ass, I'll fucking eat your ass for dinner," (**Allegation K**).

Once § 87(2)(b) and § 87(2)(b) were in custody, they were placed into the prisoner van with PO Nicholas Tricarico and Sgt. Steven Talvy to transport them to the 77th Precinct stationhouse. On the way to the stationhouse, § 87(2)(b) alleged that PO Acconi stated something to the effect of, "I'm tired of coming to the ghetto and dealing with all you stupid niggers," (**Allegation L**). When they arrived at the stationhouse, § 87(2)(b) complained to PO Acconi about his arms being twisted in the handcuffs and PO Acconi allegedly told him to, "Shut the fuck up," (**Allegation M**).

Later that night, § 87(2)(b) and § 87(2)(b) went to the 77th Precinct station house and spoke with Sgt. Talvy. After speaking with § 87(2)(b) family members about his arrest, § 87(2)(b) and § 87(2)(b) alleged that the officer they spoke to, determined to be Sgt. Talvy, refused to provide his name and shield number when they asked for it (**Allegation N**). § 87(2)(b) alleged

that when she asked PAA Henderson for a pen to write down PO Margaritis's shield number, an officer said, "Don't give her a fucking pen," (**Allegation O**).

§ 87(2)(g)

(j)

This case was reassigned to the undersigned investigator, Elizabeth Perry, on November 15, 2007 after the initial investigator, Debra Cleaver, resigned.

Summary of Complaint

§ 87(2)(b) called the IAB Command Center on April 19, 2007 at 4:44pm to report the following (**enc. 18-19**). The case was then referred to the CCRB on April 20, 2007 at 11:10am:

§ 87(2)(b) stated that her neighbor (identified as § 87(2)(b)) was smoking weed in her backyard and when he saw the police he ran. § 87(2)(b) stated that officers came to her house and knocked her down in front of her kid. § 87(2)(b) also alleged that her cousin, § 87(2)(b) was arrested for no reason and the officers beat him up.

§ 87(2)(b) was interviewed at the CCRB on May 4, 2007 (**enc. 34-37**):

At approximately 4:30pm on April 19, 2007, § 87(2)(b) was in her kitchen at home, which is located at § 87(2)(b) in Brooklyn. The kitchen is on the first floor and approximately 20 feet from the front door. § 87(2)(b)'s son, § 87(2)(b) and her nephew § 87(2)(b), were in the kitchen as well. There were several other family members in the house as well, including § 87(2)(b) who was upstairs, and § 87(2)(b) (§ 87(2)(b) -old).

§ 87(2)(b) heard a loud banging on the front door. She started to walk to the door to see what was going on, but before she reached the door, an officer (later identified as PO Joseph Tillotson, through officer testimony) kicked it open from the outside. The door then fell off the hinges and crashed to the floor. § 87(2)(b) saw several plain-clothed officers in front of the house; one was female and the rest were males (later identified as PO John Acconi, PO Steven Margaritis and PO Maribel Sarante, through roll call and officer testimony; and possibly PO Carozza, through officer testimony). The officers were gathered around § 87(2)(b) who was handcuffed, lying on the ground on his stomach. § 87(2)(b) yelled, "What the fuck is going on?" The male officers were kicking and stomping § 87(2)(b)'s back and PO Sarante was hitting him repeatedly with a black metal object (later determined to be a nightstick).

§ 87(2)(b) and the kids stood inside the house, a few feet away from the front door. PO Sarante put her nightstick away, and drew and pointed her gun in everyone's general direction. PO Sarante and PO Margaritis ran into the house. PO Margaritis yelled something about someone having just run into the house and then overturned several chairs in the living room. § 87(2)(b) protested that the officers couldn't be in her house without a warrant and that he couldn't knock over the furniture. PO Margaritis said "(I'll) tear this house apart until I find what I'm looking for." One of the other male officers (identity unknown) noticed § 87(2)(b) who was standing nearby. The officer referred to § 87(2)(b) as "the fat one" and said something to the effect of, "If I don't find the fat one, I'll just take that fat one." § 87(2)(b) then ran toward § 87(2)(b) and yelled at the cops to stop hitting him. PO Margaritis threatened to, "fuck up" if § 87(2)(b) didn't back away and PO Margaritis said to him, "Shut the fuck up before I do you too." § 87(2)(b) urged § 87(2)(b) to calm down.

PO Sarante stood watch while PO Margaritis and another male officer went down to the basement. § 87(2)(b) told him again that he couldn't be in her house without a warrant. PO Margaritis replied, "(he) can do whatever the fuck (he) wants." § 87(2)(b) then followed the officers into the basement. PO Margaritis said that they're not going anywhere until they find the person who ran into the house. At that time, a male officer called out from upstairs, "We got him" (meaning § 87(2)(b) and everyone went back up to the first floor. § 87(2)(b) then saw officers leading § 87(2)(b) out from the back of the house. § 87(2)(b) was being cooperative and the officers did not use any force against him.

The officers told § 87(2)(b) that § 87(2)(b) and § 87(2)(b) were smoking weed in front of the house. As the officers started to leave, PO Margaritis pushed the door roughly open and the door hit § 87(2)(b)'s hand. § 87(2)(b) protested that PO Margaritis hurt her. PO Margaritis said, "So fucking what?" There was an unmarked vehicle and a marked van in front of the house and the officers placed § 87(2)(b) and § 87(2)(b) in the van and drove away.

Results of Investigation

§ 87(2)(b) was interviewed at the CCRB on May 4, 2007 (enc. 26-29):

§ 87(2)(b) is a § 87(2)(b)-old black male who stands 6 feet tall and weighs 165lbs. On April 19, 2007 at approximately 3:30pm, § 87(2)(b) was hanging outside § 87(2)(b) with § 87(2)(b) and § 87(2)(b) (last name unknown). § 87(2)(b) and § 87(2)(b) were smoking cigarettes; no one was smoking marijuana. At that time, an unmarked dark vehicle pulled over in front of the location. PO Acconi, PO Tillotson, PO Sarante and PO Margaritis (identified by officer statements) jumped out of their vehicle; several of the male officers had their guns drawn. § 87(2)(b) could not provide specifics of exactly which officers drew their guns). § 87(2)(b) said "Come on, come on!" to § 87(2)(b) and then ran into the house. § 87(2)(b) did not go with § 87(2)(b). § 87(2)(b) was unsure where § 87(2)(b) ran.

PO Acconi (identified by officer testimony) grabbed § 87(2)(b) while PO Tillotson and PO Margaritis ran after § 87(2)(b). PO Tillotson and PO Margaritis (identified by officer testimony), who were following § 87(2)(b), kicked the door open and broke the door in the process.

PO Acconi frisked § 87(2)(b) and asked § 87(2)(b) if he had any marijuana. § 87(2)(b) denied having marijuana. PO Acconi removed § 87(2)(b)'s wallet from his back pocket, looked through it, and then put it back. PO Acconi pushed § 87(2)(b) roughly against the wall of the building and then knocked § 87(2)(b) to the ground. § 87(2)(b) protested that he had not done anything. PO Acconi told him to "shut the fuck up." § 87(2)(b) was now on his back, facing the officers. One of the male officers (unidentified) hit § 87(2)(b) repeatedly in the chest and stomach. PO Sarante hit § 87(2)(b) between the legs with a flashlight (later determined to be a nightstick); she hit his upper thigh, near his testicles; this lasted for approximately three minutes. The officers pushed him onto his stomach and one of the male officers ordered him to pull his hands behind his back; § 87(2)(b) complied and he was handcuffed. One of the officers pressed his knee into § 87(2)(b)'s back, thereby pinning § 87(2)(b) to the ground. § 87(2)(b) did not resist at any point. The officers picked § 87(2)(b) up and led him to nearby marked van. Before this incident, § 87(2)(b) had just cashed a paycheck, and had \$1,041 dollars in his pocket. § 87(2)(b) yelled for his uncle, who was standing nearby, to come and take his money and his cell phone and car keys. The uncle tried to approach the van, but PO Acconi told the uncle back up. The uncle complied. § 87(2)(b) kept yelling that he wanted someone from his family to take his possessions, but PO Acconi closed the van door and rolled up the windows so that people could not hear § 87(2)(b) from outside. Other officers led § 87(2)(b) in handcuffs to the van. § 87(2)(b) had been arrested somewhere inside the house.

Sgt. Talvy and PO Tricarico (identified by vehicle assignment and officer testimony) rode in the van with § 87(2)(b) and § 87(2)(b). § 87(2)(b) alleged that PO Acconi rode in the van and said something along the lines of, "I'm tired of coming into the ghetto and seeing you niggers smoking," or "I'm tired of

coming to the ghetto and dealing with all your stupid niggers.” § 87(2)(b) responded that he might live in the ghetto, but he still made more money than the officer. The officer said that § 87(2)(b) money came from hustling/dealing drugs. § 87(2)(b) responded that his money came from his job and not drug dealing.

They arrived at the precinct and one of the officers led § 87(2)(b) inside first. One of the officers removed § 87(2)(b) from the van and twisted § 87(2)(b) handcuffs. § 87(2)(b) protested that he was being hurt and PO Acconi told him to “shut the fuck up.”

§ 87(2)(b) was interviewed at the CCRB on May 4, 2007 (enc. 45-48). § 87(2)(b) also provided his initial intake statement on April 20, 2007 at 11:55am (enc. 23). All significant inconsistencies are noted below:

On April 19, 2007, § 87(2)(b) was inside § 87(2)(b) in Brooklyn. § 87(2)(b) was on the first floor helping his cousin, § 87(2)(b) study for a spelling test. § 87(2)(b) (s mother) was in the kitchen, cooking. § 87(2)(b) s brother, § 87(2)(b) was in front of the house, hanging out with § 87(2)(b) and § 87(2)(b) whose last name is not known. § 87(2)(b) could see § 87(2)(b) and § 87(2)(b) clearly, since the blinds weren’t drawn. § 87(2)(b) took off about 2 minutes before the officers arrived and § 87(2)(b) was smoking a cigarette.

Sometime between 3:30pm and 4:00pm, § 87(2)(b) heard § 87(2)(b) shout, “Ow, ow, ow, my arm. What’d I do? What’d I do?” He looked out the window and saw that PO Acconi and PO Sarante had pushed § 87(2)(b) against the wall and were handcuffing him. The officers said something about § 87(2)(b) smoking marijuana (in § 87(2)(b) s initial intake statement, he did not mention hearing anything prior to his front door being knocked in). § 87(2)(b) then heard a very loud banging on the front door. § 87(2)(b) and § 87(2)(b) both headed for the door. Before they reached it, the door crashed open and fell off its hinges. PO Tillotson, PO Margaritis and PO Sarante then ran into the house (in § 87(2)(b) s intake statement, he stated that PO Sarante stayed outside with § 87(2)(b) PO Sarante had her gun drawn and pointed at chest level at everyone and then put her gun away (in § 87(2)(b) s intake statement he did not allege that any officers had their guns pointed or drawn). § 87(2)(b) described PO Margaritis (identified by clothing description and officer statements) as “hyper” and stated that he moved in and out of the house repeatedly. PO Margaritis asked, “Where’s the fat one that ran in here?” § 87(2)(b) asked what he was talking about and PO Margaritis said he wasn’t stupid and pushed § 87(2)(b) out of the way; § 87(2)(b) stumbled, but did not fall. § 87(2)(b) demanded to know why the police were in her house. One of the officers (unknown) accused § 87(2)(b) of letting people smoke drugs in front of her house.

§ 87(2)(b) could see that the officers outside were hitting § 87(2)(b) and he repeatedly yelled at the officers, “What are you doing to my brother?” He then went outside and PO Margaritis was also outside at this time. PO Margaritis told § 87(2)(b) to “Shut the fuck up, shut the fuck up. Don’t be a tough guy. I could eat your ass for dinner.” § 87(2)(b) then pulled out his cell phone in an attempt to record the officers hitting § 87(2)(b) PO Margaritis responded by saying, “I’ll fucking kill your ass, I’ll fucking kill your ass.” § 87(2)(b) was handcuffed and laying face on the ground at this time. A neighbor § 87(2)(b) yelled at PO Margaritis, “Don’t talk to him like that, he’s a little kid.” One of the officers said that § 87(2)(b) was resisting arrest. PO Sarante was hitting § 87(2)(b) s hands with an asp approximately five times. PO Margaritis had his foot on § 87(2)(b) s back and at some point, PO Margaritis stepped on § 87(2)(b) s face. § 87(2)(b) never resisted arrest.

PO Sarante and PO Acconi picked § 87(2)(b) up to put him in a marked van. § 87(2)(b) was yelling something about having just gotten his paycheck and wanted to give his money to § 87(2)(b) § 87(2)(b) asked PO Margaritis if he could take his brother’s money, cell phone etc., but PO Margaritis replied, “You ain’t getting shit.” Other officers led § 87(2)(b) – who had been

arrested inside – out of the house. The officers were accusing § 87(2)(b) of smoking weed. The officers put § 87(2)(b) in the police van and left.

Shortly afterward, § 87(2)(b) went to the precinct with his dad, § 87(2)(b) and his aunts, § 87(2)(b) and § 87(2)(b). The family wanted to file a complaint against the officers for breaking down their door. PO Margaritis was at the stationhouse. § 87(2)(b) and § 87(2)(b) asked to speak to the captain, but they were told to wait. Finally, they were able to speak to a “captain” (later identified as Sgt. Talvy by Sgt. Talvy’s testimony). Sgt. Talvy asked if they were from the house where people had arrested for smoking weed. The family said they were and he said, “Then don’t let people smoke weed in front of your house.” The family complained that the officers had kicked down the door and the captain said, “So what? Fix it and the city will pay for it.” § 87(2)(b) asked the captain how he would feel if someone stepped on his face (in reference to § 87(2)(b) and Sgt. Talvy reacted by saying, “Get out of my house, get out of my house, you’re making too much noise.” Everyone left the stationhouse.

§ 87(2)(b) was interviewed at the CCRB on May 4, 2007 (enc. 38-41) § 87(2)(b) was also interviewed a second time in her home on July 31, 2007 (enc. 42-44). All significant inconsistencies are noted below:

§ 87(2)(b) lives at § 87(2)(b) in Brooklyn. On April 19, 2007 at approximately 3:30pm, § 87(2)(b) was on one of the upper floors. Her sister, § 87(2)(b) was downstairs. There were several children home as well § 87(2)(b), and § 87(2)(b) (a cousin) and § 87(2)(b) (next door neighbor) were sitting in front of the house, smoking cigarettes. § 87(2)(b) younger brother, was around as well.

§ 87(2)(b) heard a loud bang downstairs followed by a commotion so she ran downstairs, stopping at the foot of the stairs. § 87(2)(b) remained in the ground floor hallway near the stairs. You cannot see into the main room from this area. § 87(2)(b) knew that they arrested § 87(2)(b) in the house but did not know exactly where the officers found him. § 87(2)(b) was arguing with several plain clothed officers who were in the living room (in her second statement, § 87(2)(b) indicated that there were three officers inside at this time determined to be PO Margaritis, PO Tillotson and PO Sarante). PO Margaritis and PO Tillotson were the primary aggressors. The officers had broken the front door open and knocked it completely off its hinges. The officers had knocked the table and chairs over and knocked some pictures from the wall. § 87(2)(b) and the officers were arguing and cursing back and forth. § 87(2)(b) was cursing about the officers having broken open the front door and running in the house. “You can’t break the fucking door open,” § 87(2)(b) yelled. “What the fuck? What the fuck is going on?” she asked again. The officers were yelling something about letting people smoke drugs in the house. Several of the officers (unknown exactly which ones) told § 87(2)(b) and § 87(2)(b) to “Shut the fuck up.” It was very hectic and it was unclear why the police were there.

§ 87(2)(b) then realized that officers were arresting § 87(2)(b) in front of the house. § 87(2)(b) tried to take a picture of PO Margaritis (identified by clothing description and physical description) with his cell phone out front. § 87(2)(b) heard PO Margaritis say to § 87(2)(b) “Put that down before I fuck you up. I’ll fuck you up. I’ll punch you in the face.” PO Margaritis was threatening to eat something associated with § 87(2)(b) the officer said something along the lines of “I’ll eat your fucking food.” § 87(2)(b) yelled at PO Margaritis that he is a “fucking child” and that he should not threaten him like that. § 87(2)(b) continued to yell about officers coming into the house and § 87(2)(b) and § 87(2)(b) demanded that the officers leave their home. The officers refused to leave until they found § 87(2)(b) PO Margaritis and PO Tillotson (identified by officer statements) went to the basement to look for § 87(2)(b) § 87(2)(b) and § 87(2)(b) continued to argue with the police. § 87(2)(b) was somewhere in the house at this point, but not in the basement. Eventually the officers found § 87(2)(b) in the house and handcuffed him; § 87(2)(b) did not resist. The officers never went upstairs, but remained in the basement area. The officers left after arresting § 87(2)(b) and § 87(2)(b).

Shortly afterward, § 87(2)(b) went down to the precinct with § 87(2)(b) § 87(2)(b) father). § 87(2)(b) told PAA Henderson (identified by physical description and roll call) that officers had kicked down her door and she wanted to file a complaint. § 87(2)(b) saw PO Margaritis (she identified him by his clothing description, but it was later determined that she only spoke with Sgt. Talvy at the stationhouse from his testimony). § 87(2)(b) then demanded his name and badge number, but she alleged that he zipped up his Yankees jacket so she couldn't see his shield and then verbally provided this information (in § 87(2)(b)'s second statement she stated that he did not provide any information). § 87(2)(b) asked PAA Henderson who was sitting at the front desk, for a pen so she could write down his badge number. Another officer (unknown) told PAA Henderson "Don't give her a fucking pen." § 87(2)(b) was very upset at this point, and began kicking a wall in the stationhouse. Sgt. Talvy said, "This is my house. You're disrespecting my house." § 87(2)(b) replied that PO Margaritis had come in her house and had disrespected her home. After about 30 minutes, § 87(2)(b) and § 87(2)(b) gave up and went home.

§ 87(2)(b) was interviewed at the CCRB on May 4, 2007 (enc. 30-33):

On April 19, 2007, § 87(2)(b) was at his residence, which is located at § 87(2)(b) in Brooklyn. At approximately 3:30pm, § 87(2)(b)'s son, § 87(2)(b) called him from § 87(2)(b) in Brooklyn. § 87(2)(b) said that the police were there and that they were beating § 87(2)(b)'s other son up. § 87(2)(b) realized that the police would be gone by the time he arrived at § 87(2)(b) so he decided to go straight to the 77th Precinct instead.

§ 87(2)(b) arrived at the 77th Precinct around 4:00pm; § 87(2)(b) was there as well. § 87(2)(b) told § 87(2)(b) that the police broke down the front door of § 87(2)(b). § 87(2)(b) told the desk officer that his son had just been arrested and that he needed to know what was going on. While he was talking, Sgt. Talvy (identified by Sgt. Talvy's testimony, though § 87(2)(b) stated that he was in plain clothes) came out of the back of the stationhouse. The desk officer said that Sgt. Talvy would know what was going on with his son's arrest. § 87(2)(b) approached Sgt. Talvy, identified himself as § 87(2)(b) father, and asked if he had been involved in § 87(2)(b)'s arrest. Sgt. Talvy confirmed this so § 87(2)(b) asked why his son had been arrested. Sgt. Talvy said that he saw § 87(2)(b) smoking marijuana. § 87(2)(b) asked Sgt. Talvy if he could have his name and badge number. Sgt. Talvy replied, "I can't give you that information." § 87(2)(b) could see that Sgt. Talvy was wearing his badge around his neck, but the badge was in the jacket. § 87(2)(b) spoke to Sgt. Talvy for approximately 2 minutes before realizing he wasn't going to get anywhere with him; he then left the precinct.

§ 87(2)(b) was interviewed at § 87(2)(b) Brooklyn, NY on July 31, 2007 (enc. 49-51): § 87(2)(b) returned home from work at approximately 4:00pm on April 19, 2007. § 87(2)(b) met her out on the street and told her that the police had broken down the door and arrested § 87(2)(b) and § 87(2)(b). § 87(2)(b) is § 87(2)(b)'s nephew and § 87(2)(b) is her next-door neighbor. § 87(2)(b) said that the officers entered without a warrant.

§ 87(2)(b) immediately went to the 77th Precinct stationhouse to find out what happened. She drove to the stationhouse with her sisters, § 87(2)(b) and § 87(2)(b) § 87(2)(b) father, § 87(2)(b) was there as well with his girlfriend, § 87(2)(b) whose last name is not known. § 87(2)(b) spoke to a black female clerk, not a police officer, who was sitting at a desk near the entrance (identified as PAA Linda Henderson). § 87(2)(b) told PAA Henderson that she wanted to speak to the captain of the precinct. PAA Henderson asked § 87(2)(b) to wait. § 87(2)(b) and her family waited for 2-3 hours. Sgt. Talvy (identified by description and Sgt. Talvy's testimony) then came to speak to them. § 87(2)(b) was very upset at having been forced to wait for so long and began cursing at the officers. She called them "every name that she could call (them)." Sgt. Talvy told § 87(2)(b) "Don't come here and disrespect our home (the precinct)." § 87(2)(b) told Sgt. Talvy that the officers had already disrespected her home. She further told him that she pays taxes and has every right to

come to the precinct and demand an explanation for the officers' conduct. Sgt. Talvy told her that § 87(2)(b) and § 87(2)(b) had been smoking weed in front of her house. § 87(2)(b) told Sgt. Talvy that § 87(2)(b) absolutely does not smoke weed. Sgt. Talvy said that § 87(2)(b) must have been smoking weed since he was standing with other men who were smoking weed. Sgt. Talvy told § 87(2)(b) that they had filled out a report regarding her broken front door, and that she could pay for the repairs herself and then submit to the city for reimbursement. Sgt. Talvy told § 87(2)(b) that she needed to watch her children better. § 87(2)(b) told Sgt. Talvy that she intended to file a complaint, but she did not recall if she ever actually asked to file a complaint. § 87(2)(b) father got § 87(2)(b) money (about \$1400) and wallet from the officers. The family left the stationhouse around 8:00pm.

Witness Statements:

PAA Linda Henderson was interviewed at the CCRB on February 21, 2008 (enc. 52-54):

On April 19, 2007, PAA Henderson was working at the 77th Precinct stationhouse in the 124 room. PAA Henderson stated that the 124 room in the 77th Precinct stationhouse is located adjacent to the front desk of the stationhouse and that when you are in the 124 room, you are able to see what is going on at the front desk. From the hours of 4:00pm through 5:30pm, PAA Henderson did not recall any civilians coming into the stationhouse to file a complaint. In particular, she did not recall anyone wanting to file a complaint about damaged property or against Sgt. Talvy or any one in his SNEU team at that time. She did not recall a female civilian directly asking Sgt. Talvy or any ranking officer to file a complaint regarding damaged property. PAA Henderson did not recall any civilians asking her for a pen to file a complaint. She also adamantly stated that no officer said to her, "Don't give her (a civilian) a fucking pen (to file a complaint)." PAA Henderson did not witness any female civilian coming into the 77th Precinct and kicking the walls of the stationhouse because she was angry that her property was damaged. PAA Henderson did not recall which other PAAs were working at that time, if any, but stated that most of the time, she was the only PAA working at the stationhouse.

As procedure, PAA Henderson stated that if a person wanted to file a complaint against an officer, she would normally refer the civilian to the desk sergeant and then the desk sergeant would handle the complaint.

Photos of § 87(2)(b) and § 87(2)(b) were presented to PAA Henderson during the interview and she stated that she did not recognize any of them.

§ 87(2)(b) called the CCRB on April 19, 2007 at 5:35pm to file the following complaint (enc. 23). § 87(2)(b) also provided a phone statement on June 27, 2007. The two statements are combined below:

On April 19, 2007, § 87(2)(b) was home with her husband. Police officers drove by § 87(2)(b) in a black unmarked car and a van and saw § 87(2)(b) standing outside of the apartment. Her husband saw the police officers running out of their car, and he ran downstairs to see what was going on; § 87(2)(b) ran behind him. The officers suspected § 87(2)(b) of smoking and they went over, placed him against a wall, and put handcuffs on him. One of the officers bent his wrist behind his back and then threw him on the ground, while continuing to apply force on his arms and step on his back. Another male officer stepped on his face. § 87(2)(b) was protesting that the officer was hurting him. The officer kept saying, "Stop resisting." § 87(2)(b) however, was not resisting. Meanwhile, other officers had gone into the house. There are two doors to get in: the outermost door, followed by a short hallway, and then the inner door. § 87(2)(b) could not see what the officers in the house were doing. The officers with § 87(2)(b) put him in handcuffs. Other officers came out of the house with § 87(2)(b) who was also in handcuffs.

Witnesses/Complainants/ Victims Not Interviewed:

§ 87(2)(b) was not interviewed by the CCRB because he was uncooperative with the CCRB investigation. In total, three letters were sent and five calls were placed to § 87(2)(b). On May 4, 2007, May 9, 2007 and July 31, 2007, § 87(2)(b) missed three scheduled appointments without calling the investigator to cancel or reschedule. § 87(2)(b) has had no further contact with the investigator.

§ 87(2)(b) did not provide an official statement to the CCRB because she was uncooperative with the investigation. In total, two letters were sent, five calls were placed, and three messages were left at § 87(2)(b)'s residence. On May 4, 2007 and May 22, 2007, § 87(2)(b) failed to appear for scheduled appointments. After § 87(2)(b) provided a phone statement on June 27, 2007, her phone number was disconnected. The investigator went to § 87(2)(b)'s residence in Brooklyn on July 31, 2007 for an impromptu interview, but § 87(2)(b) was not home at that time. § 87(2)(b) has had no further contact with the investigator.

Officer Identification:

PO Sarante was the only female assigned to the 77th Precinct SNEU team on the date of this incident. Additionally, PO Sarante acknowledged being involved in this incident. **Sgt. Talvy** was identified by the roll call as the supervisor for the 77th Precinct SNEU team during tour 2 on the date of this incident; he too acknowledged being involved in this incident. **PO Acconi, PO Margaritis, PO Tillotson and PO Tricarico** all acknowledged being involved in this incident. PO Acconi, PO Margaritis and PO Tricarico were all assigned to SNEU on the April 19, 2007 tour 2 roll call. PO Margaritis is the only officer who was present at the scene to acknowledge that he wears a Yankees jacket during work. Though he could not specifically recall if he wore it that day, every other male officer interviewed stated that they do not own a Yankees jacket and do not wear one on duty. Additionally, all of the civilians interviewed indicated that there was only one officer present wearing a Yankees jacket. PO Tillotson and **PO Carozza** were identified by other witness and subject officer statements though their original assignment for the date of this incident was to appear at grand jury.

Officer Statements:

PO Acconi had the following entry in his memo book regarding this incident (enc. 66-67):

1625: f/o § 87(2)(b) observed 3 m/b possession of marijuana. Two under, § 87(2)(b)
1735: arrest processing.

PO Acconi made the following statement on § 87(2)(b)'s complaint report (UF61) and on his arrest report (enc. 68-69):

"At T/P/O the deft was observed in possession of a quantity of marijuana in public view." Both reports also indicate that marijuana was vouchered as evidence.

PO Acconi made the following statement on § 87(2)(b)'s complaint report (UF61) and on his arrest report (enc. 70-71):

"At T/P/O while attempting to make an arrest deft did try to block officers from entering location. Deft did yell and scream at police officers causing public alarm. Deft refused to be handcuffed and was flailing arms."

PO Acconi was interviewed at the CCRB on September 28, 2007 (enc. 76-77):

PO Acconi is a § 87(2)(b)-old white male who stands 5'4" and weighs 185lbs. PO Acconi worked a 1400x2230 tour on April 19, 2007 and was partnered with PO Margaritis. The two officers were in plainclothes and rode in an unmarked Crown Victoria with PO Tillotson and PO Corozza. PO Acconi and PO Margaritis were in the backseat. Sgt. Talvy, PO Sarante and PO Tricarico were also working that day. PO Acconi did not recall exactly what he was wearing, but was certain that he was not wearing a Yankees jacket.

PO Acconi and his partners were driving by § 87(2)(b) in Brooklyn when PO Acconi saw three male blacks standing in front of the location and one of the males § 87(2)(b) rolling a joint. The officers stopped driving and PO Acconi approached. § 87(2)(b) and another male § 87(2)(b) ran toward the ground level door to the house. The third male § 87(2)(b) stood in front of the door and told PO Acconi "There's no fucking way you're going into this house." § 87(2)(b) and § 87(2)(b) were standing behind § 87(2)(b) and were trying to open the door. PO Acconi told § 87(2)(b) to move out of the way, but § 87(2)(b) refused. PO Acconi grabbed § 87(2)(b) by his shirt and pulled him from the doorway. § 87(2)(b) and § 87(2)(b) ran into the house and PO Margaritis and PO Tillotson ran into the house after them; the officers had to break the door to gain entry.

PO Acconi stayed outside and told § 87(2)(b) to put his arms behind his back; § 87(2)(b) refused. PO Acconi took him to the ground, punched him in the face once, and pulled his arms behind his back. PO Corozza helped PO Acconi handcuff him. PO Corozza did not use any force against § 87(2)(b). PO Acconi did not hit § 87(2)(b) with an asp or a nightstick, as he was not carrying either implement. PO Acconi did not see any other members of his team hit § 87(2)(b) with an asp or a nightstick. Several neighbors gathered to watch and yelled at the officers to let § 87(2)(b) go and that § 87(2)(b) had not done anything wrong, but none of these civilians physically intervened. PO Acconi did not know if anyone was recording with his/her cell phone. PO Acconi did not threaten to arrest anyone else, did not threaten to shoot anyone, and did not threaten to “eat (anyone) for dinner.” PO Acconi stated simply, “I don’t make threats.” PO Acconi did not hear any of his partners make any threats. PO Acconi placed § 87(2)(b) in his car, and entered the house to assist his partners.

§ 87(2)(b) was already handcuffed in the hallway by the time PO Acconi entered. There were several other people in the house who were yelling and cursing at the officers; § 87(2)(b) was nowhere to be seen. PO Acconi assumed that he escaped through the house somehow. PO Acconi did not think there were any children in the house when he entered. PO Acconi did not have any conversation with any of the other civilians and did not have any physical contact with anyone other than § 87(2)(b). The only physical contact he had with § 87(2)(b) was leading him outside for transport. PO Acconi did not observe any damage to the house beyond the front door. PO Acconi believed that both men were placed in the SNEU van, but was not entirely sure. PO Acconi thought that Sgt. Talvy, who had arrived at some point, was assigned to this van. The entire incident lasted for about 5 minutes. No officers drew their weapons at any point and no one used any profanity. The men were searched at the stationhouse, not in the field. PO Acconi stayed in the stationhouse processing the arrests. He did not interact with any civilians in the stationhouse, and did not know that civilians had come down to file complaints.

Sgt. Talvy had the following memo book entry relevant to this incident (enc. 55-56):

1650: pickup 2 under.

Sgt. Talvy was interviewed at the CCRB on August 24, 2007 (enc. 57-59):

Sgt. Talvy is a white male who stands 6 feet and weighs 185lbs; he has spiky brown hair and wears a goatee. He is the 77th Precinct SNEU supervisor and worked a 1330x2227 tour on April 19, 2007, overtime until 2327. He rode with PO Tricarico in marked prisoner van 5322; PO Tricarico was the driver. There was an OP team and a chase vehicle that day. Everyone was in uniform except for the OP officers. Sgt. Talvy knew that PO Acconi and PO Sarante were working that day, but was not sure who else was working.

At approximately 4:10pm, Sgt. Talvy and PO Tricarico drove by § 87(2)(b) in Brooklyn. There were 3-4 men standing in a fenced in front-yard area in front of the building. As they were driving, Sgt. Talvy saw a man whom he later knew to be § 87(2)(b) rolling a marijuana cigarette and pointed this out to PO Tricarico. The officers kept driving down the street, but radioed their observation to the chase vehicle, which was a block or two behind Sgt. Talvy and PO Tricarico. PO Acconi and whomever he was working with made the arrest.

By the time Sgt. Talvy and PO Tricarico returned to the scene, everyone was outside and § 87(2)(b) was already in handcuffs. All of the other men were still standing in front of the house. § 87(2)(b) was standing near the steps; he was not handcuffed. PO Acconi told Sgt. Talvy that § 87(2)(b) ran into house at the sight of the officers. § 87(2)(b) then entered through the door under the stairs and locked it behind him. PO Acconi and his partner broke the door open, damaging the lock and hinges in the process. PO Acconi told Sgt. Talvy that § 87(2)(b) was arrested in an area off to the left when you enter the apartment. Sgt. Talvy looked at the damaged door, but never entered the location. PO Acconi told Sgt. Talvy that § 87(2)(b) had attempted to block him so he could not chase § 87(2)(b). Sgt. Talvy told PO Acconi to place § 87(2)(b) under arrest for § 87(2)(b). Other officers (unknown) moved in to arrest § 87(2)(b). The crowd vocally expressed their disapproval of § 87(2)(b)'s arrest. These people continued to curse and vocally oppose the arrest, but they did not try to physically interfere. Sgt. Talvy did not threaten to arrest these people and did not threaten to hit, punch, kick, or eat these men. Sgt. Talvy did not hear any of the other officers

threaten to use force against these people. Sgt. Talvy did not notice if any of the men were trying to use their cell phones to record what was happened, he stated that he would not pay attention to something like that.

§ 87(2)(b) resisted arrest and was taken to the floor. It is possible that the officers who took him to the floor punched him, but Sgt. Talvy did not actually see this since he was focused on the people he was handling. Sgt. Talvy did not think that anyone hit § 87(2)(b) with an asp or a flashlight. He stated that no one on his team carries a nightstick and that most of the officers carry the small flashlight, not the large one. Sgt. Talvy stated that several members of his team are asp-certified. He was certain that PO Sarante was asp-certified, but was not sure exactly who else was. Sgt. Talvy did not know who handcuffed § 87(2)(b) and was not sure who led the arrested men to the prisoner van. The marijuana was recovered, either from § 87(2)(b)'s person or from the ground where he had thrown it. None of the officers drew their weapons while Sgt. Talvy was present, and no one told him that they had drawn their weapons before he arrived.

Sgt. Talvy spoke to a black woman in her 40s who was at the scene (later determined to be § 87(2)(b)). This woman was very upset that her door had been broken. Sgt. Talvy told her that the officers would fill out a "city involved accident report" and that the city would reimburse her for the cost of damaging the door. The officers then left the scene. Sgt. Talvy explained that they wanted to get out of there immediately after the arrests. Sgt. Talvy never saw any children on the scene. PO Tricarico and Sgt. Talvy drove § 87(2)(b) and § 87(2)(b) to the stationhouse. They did not talk to the prisoners and Sgt. Talvy was not sure if the prisoners were talking to them. Sgt. Talvy stated that he just ignores prisoners. Neither he nor PO Tricarico used any racially offensive language.

The rest of the team returned to the stationhouse and took the prisoners to the back of the stationhouse for arrest processing. About 10-15 minutes later, § 87(2)(b) another older woman (later identified as § 87(2)(b)) and some children came to the stationhouse; there were 3-5 people, total. The group was very upset about the damage to their door and about the men being arrested. Sgt. Talvy stated that he usually handles talking to civilians who are upset since he is the supervisor. Sgt. Talvy explained to § 87(2)(b) why the men were arrested and why the door was broken down. He told her about the City Involved Accident Report and explained that she would be reimbursed. No one said that they wanted to file a complaint; the group was focused on their door and the arrests, and not on necessarily on the officers themselves. Sgt. Talvy did not believe that anyone else from his team spoke to these people. This group did not ask for his name or badge number. His badge, moreover, was prominently displayed as he was still in uniform.

About an hour after the arrests, a man who identified himself as § 87(2)(b) father § 87(2)(b) came to the stationhouse. Sgt. Talvy recalled that this man stating that he was in some sort of union. Sgt. Talvy spoke to this § 87(2)(b) "man to man" and told why his son had been arrested. He suggested that the § 87(2)(b) advise his son against interfering with arrests; § 87(2)(b) was very calm at the stationhouse. He did not ask for Sgt. Talvy's name or shield. § 87(2)(b) did not say he wanted to file a complaint.

PO Margaritis was interviewed at the CCRB on September 28, 2007 (enc. 82-84):

PO Margaritis is a § 87(2)(b)-old white male who stands 6 feet and weighs 235lbs. PO Margaritis worked a 1400x2235 tour on April 19, 2007, and then worked overtime until 0210 on April 20, 2007. He was partnered with PO Acconi on the SNEU team and they rode in the backseat of PO Tillotson and PO Carozza's vehicle. All four men were in plainclothes and the car was unmarked. PO Margaritis did not recall if he was wearing a Yankees jacket, but he does own one and he does sometimes wear one. Sgt. Talvy was also working, but PO Margaritis could not recall who was driving the sergeant.

At approximately 3:30pm, PO Margaritis and his partners drove past § 87(2)(b) in Brooklyn, which is a multi-story residence. There were three males in front of the location smoking marijuana. The officers stopped in front of the location and PO Acconi was the first one out of the car. Two of the men (identified as § 87(2)(b)) and § 87(2)(b) fled into the building. The third man (identified as § 87(2)(b)) stood in front of PO Acconi so that PO Acconi could not chase the others. § 87(2)(b) physically blocked PO

Acconi and started cursing and screaming, so PO Acconi grabbed § 87(2)(b) and pulled him out of the way while PO Margaritis and PO Tillotson chased § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b) closed and locked the ground floor door on the officers. PO Margaritis and PO Tillotson then broke the door open and ran inside. They did not draw their weapons. Two women § 87(2)(b) and § 87(2)(b) ran at the officers from different directions. PO Margaritis did not recall any kids being present, but stated that there might have been additional adult women. § 87(2)(b) and § 87(2)(b) were very irate and stood in front of the officers so they couldn't come any further in the house. PO Margaritis and PO Tillotson asked them where the men had run. § 87(2)(b) replied, "there's no one here, get out." The officers ordered the women to step aside numerous times. The women were initially resistant. PO Margaritis put his hand on § 87(2)(b)'s shoulder and moved around her; he did not push her or shove her. PO Margaritis then entered the living room/dining room area which is on the ground floor. He found § 87(2)(b) behind a half wall in this room. He handcuffed § 87(2)(b) without incident and quickly frisked him for weapons with negative results. PO Margaritis did not search anywhere else in the house. § 87(2)(b) yelled at PO Margaritis that § 87(2)(b) had not done anything. PO Margaritis pointed out that § 87(2)(b) could not know what § 87(2)(b) had done, since she was inside the house and he was outside. § 87(2)(b) insisted that she knew § 87(2)(b) and that he did not do anything. § 87(2)(b) insisted that the PO Margaritis leave the house. PO Margaritis asked § 87(2)(b) where § 87(2)(b) had gone, but § 87(2)(b) claimed not to know. The officers never found § 87(2)(b).

PO Margaritis led § 87(2)(b) out of the house. PO Acconi and some other officers from the SNEU team (unknown) were struggling with § 87(2)(b) outside. PO Margaritis believed that everyone was standing. PO Acconi put § 87(2)(b) in handcuffs. PO Margaritis did not see anyone from his team hit § 87(2)(b) with a nightstick or an asp. PO Margaritis is asp-certified, but he was not carrying one that day; he only had his gun, his handcuffs and his radio. Several neighbors were yelling at the officers from their stoops and windows, but no one physically interfered. PO Margaritis stated that it was definitely possible that someone was recording with a cell phone, since that happens all the time. PO Margaritis believed that Sgt. Talvy was on the scene by this point. None of the officers cursed at any of the civilians. None of the officers threatened to arrest any civilians, to use force against any civilians, to shoot any civilians or to eat anyone for dinner. One of the other officers recovered the marijuana, but PO Margaritis could not recall where the marijuana was located.

The prisoner van transported the men to the stationhouse. The rest of the team returned as well in their own vehicles. The team remained in the stationhouse for approximately 30 minutes lodging the prisoners, and then went back in the field. PO Margaritis could not recall if any family members came down, but he did not personally talk to any of them and did not hear anyone say that they were there. One of the officers from the team later filled out a "city involved" report for the damage to the front door. PO Margaritis stated that he and PO Tillotson had the right to chase § 87(2)(b) under the "fleeing felon" doctrine. He explained that a civilian cannot run into the house to get away from the police. "When a crime is committed and they run, we can go after them... it's not like the house is 'base,' you know?"

PO Tricarico was interviewed at the CCRB on October 23, 2007 (enc. 78-79):

PO Tricarico did not have any relevant memo book entries for this incident. PO Tricarico stands 6'1", weighs 260lbs. PO Tricarico is bald and generally shaves his head completely; he is clean-shaven. PO Tricarico worked a 1400x2235 tour on April 19, 2007 as part of the SNEU team in plainclothes. The SNEU team consisted of nine officers, with Sgt. Talvy as the sergeant. PO Tricarico could not recall which team members were working that day, but knew that he was assigned to the prisoner-van with Sgt. Talvy; PO Tricarico was the driver. PO Tricarico did not know if the rest of the team was assigned to marked or unmarked vehicles, but stated that the P-van is always marked.

At approximately 3:30pm, the team was driving around looking for another place to set up. PO Tricarico and Sgt. Talvy drove past § 87(2)(b) in Brooklyn while the rest of the team was behind them. PO Tricarico noticed that one of the other team cars had stopped in front of § 87(2)(b) but he could not recall which officers were in this car. Shortly afterward, another team member radioed for Sgt. Talvy to respond to the location. PO Tricarico drove around the block until he and Sgt. Talvy were back in front of § 87(2)(b) this took

approximately 5 minutes. By the time they arrived, the team had already arrested one or two men. Sgt. Talvy exited the van to see what was going on, but PO Tricarico never exited the vehicle since they had a prisoner with them. PO Tricarico had no contact whatsoever with any civilians on the scene. The other team members led the arrested men to the prisoner van. Neither prisoner was injured and neither asked for medical attention. Sgt. Talvy and PO Tricarico drove the arrested men to the precinct and did not speak to them at any point. Neither officer called anyone a nigger. PO Tricarico stated that he generally tries not to talk to prisoners at all. The entire team drove back to the precinct and lodged the prisoners. This took about 15 minutes. The team then returned to the field. The team returned later, approximately one hour before the end of tour, to process the arrest paperwork.

PO Tricarico never encountered the arrested men's families in the stationhouse. No one ever asked him for his name or shield number. His shield, however, was around his neck. PO Tricarico did not use any force against anyone. PO Tricarico never cursed.

PO Sarante was interviewed at the CCRB on September 7, 2007 (enc. 64-65):

PO Sarante worked a 1400x2235 tour on April 19, 2007. She did not recall who she was partnered with that day, but knew that she was in plainclothes and assigned to an unmarked vehicle. PO Sarante did not recall exactly who else from the team was working, but knew that PO Acconi and Sgt. Talvy were on scene.

At approximately 3:30pm, PO Sarante and her partners drove past § 87(2)(b) in Brooklyn. PO Sarante saw two men standing in front of the location. One of the men (identified as § 87(2)(b)) was smoking marijuana and several members of the team converged on the location. Sgt. Talvy was not at the scene yet. § 87(2)(b) ran into the house through a ground-level door, as soon as he saw the officers. Several male officers, PO Sarante did not recall which, gave chase. PO Sarante explained that the man ran into the house to avoid arrest on a misdemeanor charge, which gave the officers grounds for hot pursuit. The other man (identified as § 87(2)(b)) attempted to block these officers from running into the house. He stood directly in front of them and tried to grab them as they ran after § 87(2)(b). The male officers (identified as PO Tillotson and PO Margaritis by officer testimony) pushed § 87(2)(b) aside and ran after § 87(2)(b). PO Sarante and PO Acconi moved toward § 87(2)(b) to place him under arrest for § 87(2)(b). They ordered him to put his hands behind his back. § 87(2)(b) immediately began to fight with the officers. He pushed them, flailed his arms, swung at them, and refused to put his hands behind his back. PO Acconi and PO Sarante repeatedly told him to put his arms behind his back. § 87(2)(b) pushed PO Sarante against the doorknob of the outermost door. PO Sarante indicated that by the next day, she had a "humongous bruise" on her left buttock. She assumed it was caused by the doorknob.

PO Sarante knew that the other male officers were in the apartment at this point, but did not know what was going on. She explained that she had "tunnel vision" because of § 87(2)(b). PO Sarante and PO Acconi knocked § 87(2)(b) to the ground. PO Sarante did not recall if he was face up or face down, but knew that he was still refusing to put his arms behind his back. She and PO Acconi managed to cuff one of his hands, but § 87(2)(b) would not give them the other. PO Sarante hit § 87(2)(b) in the thigh with her asp. She used the "minimal amount of force necessary to overcome his resistance." She and PO Acconi were then able to handcuff § 87(2)(b). PO Sarante could not recall who exactly handcuffed him. No one else hit § 87(2)(b) with an asp. PO Sarante was not sure if a third officer from the team helped her and PO Acconi when § 87(2)(b) was on the ground.

PO Sarante did not recall if the other officers were still inside with § 87(2)(b) or if they came back outside at this point. PO Sarante did not recall if Sgt. Talvy was on the scene at this point. Several civilians (more than one adult woman) came out of the house and started yelling at the officers. PO Sarante did not recall if there were any adult males and did not believe there were any children. The women cursed at the officers and said that it was not right that they were arresting § 87(2)(b). PO Sarante could not recall if anyone started filming with a cell phone. None of the officers cursed at the civilians, threatened to arrest them, threatened to use physical force against them, threatened to shoot them, or to eat anyone for dinner. None of the officers ever drew their weapons at any point; PO Sarante was adamant about this. Marijuana was recovered from § 87(2)(b) but PO Sarante did not know where exactly it was recovered from. PO Sarante never entered the house.

The arrested men were placed in vehicles and transported to the stationhouse. PO Sarante did not recall if she went back to the stationhouse at that point. PO Sarante did not have any further contact with either man. PO Sarante did not know if their families came to the stationhouse to file a complaint. One of the other male officers on the team told PO Sarante that the family was upset about the damage to their door. PO Sarante was not sure exactly what the damage was, because she stopped paying attention as soon as § 87(2)(b) started fighting with her.

PO Tillotson was interviewed at the CCRB on January 25, 2008 (enc. 60-61).

On April 19, 2007, PO Tillotson worked from 2:00pm to 10:35pm with PO Acconi and PO Carozza on the 77th Precinct SNEU team. He was in uniform and assigned to an unmarked RMP. PO Tillotson did not bring his memo book to the interview and did not recall which officers were in uniform and which were in plainclothes on this date.

On April 19, 2007, PO Tillotson was in an unmarked RMP with PO Acconi, PO Carozza and possibly PO Sarante, and they were on point-to-point radio with Sgt. Talvy, who was in a separate marked van with PO Margaritis. At approximately 3:30pm, Sgt. Talvy called over the radio and told them that he had passed § 87(2)(b) in Brooklyn, and saw multiple males in front of the location smoking marijuana. PO Tillotson's vehicle then turned around and went to the location with the intention of making an arrest for marijuana. As they pulled up in front of § 87(2)(b) they saw several (at least 3) people in front of the house and it appeared that one of the individuals were holding and smoking a dark paper cigarette-like object that they believed to be marijuana because it is sometimes smoked in that way. PO Tillotson noted that PO Acconi actually saw one of the individuals throw the marijuana to the ground and he told the rest of the officers in the car. When the officers exited the vehicle, PO Tillotson could smell marijuana and the officers approached the group. One of the individuals (identified as § 87(2)(b)) stayed where he was and the other two (identified as § 87(2)(b) and § 87(2)(b)) ran into a doorway (lower level entrance to the brownstone building) behind them. PO Tillotson and PO Acconi tried to run after § 87(2)(b) and § 87(2)(b) but § 87(2)(b) attempted to block their path so they could not give chase. PO Tillotson made physical contact with § 87(2)(b) and quickly "pushed through" him to follow the other fleeing suspects. PO Tillotson got to the door first, just as § 87(2)(b) and § 87(2)(b) slammed the door behind them and ran inside. PO Tillotson then kicked the door in and he believed that he broke it when he kicked it in. He and PO Acconi ran into the apartment; PO Tillotson did not recall which officers stayed outside with § 87(2)(b) but at some point after the incident began, Sgt. Talvy arrived at the scene.

The layout inside the apartment consisted of a staircase leading to the upstairs apartment and a long hallway leading to a room (possibly an apartment or a basement). PO Tillotson then went down the hallway and around a corner and found § 87(2)(b) up against a wall; this took less than 10 seconds to find him. PO Acconi then placed § 87(2)(b) in handcuffs, briefly frisked him for weapons, and began to take him outside. At this time, people from upstairs, possibly family members (at least two females) came down the stairway yelling and asking what was going on. These people were not downstairs when the officers were looking for § 87(2)(b) and § 87(2)(b) they only came downstairs after § 87(2)(b) was already in custody. PO Tillotson explained to the family members that people were smoking marijuana and then ran inside this building. PO Acconi and PO Tillotson took § 87(2)(b) outside; they were inside the house for approximately one to three minutes and they were only in the lower level of the house. While PO Tillotson was inside he could not see what was going on outside. As they exited, § 87(2)(b) was being placed under arrest; PO Tillotson was unsure if § 87(2)(b) was handcuffed yet nor did he recall if § 87(2)(b) was standing up or lying on the ground. Outside there was a crowd forming, but PO Tillotson did not know where the people came from, whether it was from inside the house or elsewhere in the neighborhood. PO Tillotson stated that PO Sarante was outside, but he did not recall exactly what her role was at that time. PO Tillotson did not recall PO Sarante entering the house at any point. At some point after bringing § 87(2)(b) out to the prisoner van, PO Tillotson informed Sgt. Talvy that he had broken the door to the apartment. There was no other damaged property other than the door. PO Tillotson got back in the RMP that he came in and left the scene with the other officers. At a later point in the night, PO Tillotson went back to the stationhouse, but he did not recall seeing any of the family members of the civilians he had just arrested.

PO Tillotson did not recall if anyone on his team that day was wearing a Yankees jacket, but he was adamant that he would never wear a Yankees jacket himself because he is not a fan of the Yankees. Inside the house, PO Tillotson did not tell anyone to “shut the fuck up” and he did not hear any other officer say this either. He did not recall any children being present inside the house. He did not recall anyone attempting to record the incident on his or her cell phone. PO Tillotson did not threaten to shoot any civilians, “kick their fucking ass,” tell them to “shut the fuck up,” threaten to “eat your ass for dinner,” or threaten to arrest any of the civilians; he did not hear any of the other officers do any of these things either. He did not see any of the officers who were dealing with § 87(2)(b) outside punching or kicking him or using their nightstick on him. PO Tillotson was not qualified to carry a nightstick at the time of this incident so he did not have one. PO Tillotson did not make any physical contact with any of the females inside the house and he did not witness any other officer becoming physical with them either. PO Tillotson did not draw his weapon during the incident and he did not recall any other officer doing so either.

Officers Not Interviewed:

§ 87(2)(g)

Moreover, most of the officers who were interviewed did not know if PO Carozza was specifically involved in this incident or what his role would have been.

Medical Records Relevant to Incident:

§ 87(2)(b) went to § 87(2)(b) on § 87(2)(b) due to pain. The records (enc. 87-95) indicate that § 87(2)(b) chief complaint was neck, back, and right hand pain since April 19, 2007 after he was arrested and put in handcuffs. Doctors noted that § 87(2)(b) did not have any visible injuries and he was released with ibuprofen.

Police Documents Relevant to Incident:

The 77th Precinct roll call (enc. 96-107) for tour 3 on April 19, 2007 indicates that Sgt. Talvy, PO Margaritis, PO Acconi, PO Sarante and PO Tricarico were assigned to SNEU and were scheduled to work from 2:00pm through 10:35pm. The roll call also shows that PAA Henderson was assigned to the 124 room and worked from 3:30pm through 11:30pm. The 77th Precinct roll call (enc. 108-120) for tour 2 on April 19, 2007 indicates that PO Carozza and PO Tillotson were scheduled to work 6:00am through 2:35pm for grand jury.

The Prisoner Holding Pen Roster (enc. 121-123) indicates that § 87(2)(b) was in the holding pen from 5:00pm through 1:44am and § 87(2)(b) was in the pen from 4:30pm through 1:44am; both arrests were made by the SNEU team.

The Command Log (enc. 124-126) indicates that § 87(2)(b) and § 87(2)(b) were logged in at 4:35pm by PO Acconi and both prisoners physical condition was apparently normal. § 87(2)(b) was charged with § 87(2)(b), and § 87(2)(b) was charged with § 87(2)(b).

Disposition of April 19, 2007 Arrests:

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Criminal History of § 87(2)(b)

and § 87(2)(b)

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

CCRB History of Complainants:

This case represents the first and only complaint filed by § 87(2)(b) and § 87(2)(b) (enc. 13-17).

CCRB History of PO Acconi, PO Margaritis, PO Sarante, Sgt. Talvy, and PO Tillotson:

None of the officers has any previously substantiated allegations that resulted in the imposition of discipline (enc. 2-12). § 87(4-b) § 87(2)(g)

Conclusions and Recommendations

Undisputed Facts:

It is not in dispute that PO Tillotson broke down the basement door of § 87(2)(b) to chase § 87(2)(b) and § 87(2)(b) who had fled into the house. It is not in dispute that PO Tillotson and PO Margaritis entered § 87(2)(b) and searched for § 87(2)(b) and § 87(2)(b). It is not in dispute that PO Sarante struck § 87(2)(b) with her nightstick.

Disputed Facts:

§ 87(2)(g)

Assessment of Evidence:

§ 87(2)(b) alleged that as the officers exited their vehicle and approached him, § 87(2)(b) and § 87(2)(b) “several” of the male officers had their guns drawn. However, § 87(2)(b) could not be specific as to which officers allegedly drew their guns. All of the officers testified that none of them had drawn their firearms at any point during the incident. § 87(2)(g)

All officers alleged that after exiting the vehicle, § 87(2)(b) and § 87(2)(b) fled into the house and § 87(2)(b) blocked their path so the officers were not able to chase them. By the time PO Tillotson had pushed past § 87(2)(b) and gotten to the door, § 87(2)(b) and § 87(2)(b) had locked it. PO Tillotson then broke down the door by kicking it in, and then entered and searched the premises for § 87(2)(b) and § 87(2)(b). PO Margaritis, PO Acconi and PO Sarante all testified that PO Margaritis went inside with PO Tillotson to search for § 87(2)(b) and § 87(2)(b) while other officers dealt with § 87(2)(b) outside. § 87(2)(b) and § 87(2)(b) alleged that PO Margaritis ran inside the house as well. However, § 87(2)(b) alleged that PO Margaritis stayed outside and, with the help of another officer whose identity remains unknown, beat up § 87(2)(b). PO Acconi testified that he was the officer who stayed outside and dealt with § 87(2)(b) while PO Margaritis and PO Tillotson went inside the house. § 87(2)(g)

§ 87(2)(b) All parties interviewed indicated that there were at least two male officers inside the house at any point during the incident. § 87(2)(g)

PO Acconi and PO Sarante admitted to using force against § 87(2)(b) outside of the house because he was resisting arrest, flailing his arms, and fighting with the officers. § 87(2)(b) alleged that PO

Margaritis, upon exiting his vehicle, approached § 87(2)(b) frisked him against a wall, and then knocked him to the ground and began hitting him. He then alleged that PO Sarante began hitting him with a nightstick. PO Acconi testified that it was he who pushed § 87(2)(b) to the ground and then punched him one time, which he deemed necessary because § 87(2)(b) had been fighting with the officers and resisting arrest. PO Sarante admitted that she and PO Acconi stayed outside to deal with § 87(2)(b) who was violently resisting arrest, at which time she felt it necessary to extract her nightstick and use it on § 87(2)(b) because he was physically refusing to put his hands behind his back and she was thrown into a doorknob.

§ 87(2)(b) alleged that PO Sarante entered and searched § 87(2)(b) after she hit § 87(2)(b) with her nightstick and handcuffed him. § 87(2)(b) alleged that all of this happened before § 87(2)(b) was apprehended inside the house. During her second statement, § 87(2)(b) stated that when PO Sarante entered the house, she had her gun pointed in her general direction, yet she made no mention of this during her initial intake phone call. § 87(2)(b) also alleged in her initial intake phone call that she was knocked to the ground when the officers entered, but she failed to mention any such scenario in future statements. In § 87(2)(b)'s initial intake statement, he stated that PO Sarante did not enter the house. Rather, she stayed outside with § 87(2)(b). This is consistent with PO Sarante's testimony, who stated that she never entered the house because she was outside the whole time trying to restrain § 87(2)(b) with PO Acconi. However, in § 87(2)(b)'s second statement, he stated that PO Sarante came inside the house initially with PO Margaritis and PO Tillotson when the door was knocked in. PO Tillotson stated that it took less than one minute after breaking down the door to find § 87(2)(b) inside the house and to realize that § 87(2)(b) had escaped. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

It is not in dispute that PO Acconi took § 87(2)(b) to the ground and punched him. It is also not in dispute that PO Sarante used her nightstick on § 87(2)(b). The officers testified that not only did § 87(2)(b) attempt to block PO Tillotson and PO Margaritis from chasing § 87(2)(b) but § 87(2)(b) was physically resisting the officers by flailing his arms, pushing the officers, and refusing to be handcuffed. § 87(2)(b) testified that he was not resisting arrest at all when he was taken to the ground and punched by PO Acconi, nor was he resistant when PO Sarante used her nightstick on his thigh area. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

According to officer testimony, PO Acconi and PO Sarante subdued § 87(2)(b) outside of the house while PO Tillotson and PO Margaritis pursued § 87(2)(b) and the individual known only as § 87(2)(b). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) alleged that the male officer who used physical force against him – that is, PO Acconi – was also the officer who spoke discourteously toward him while he was being subdued. § 87(2)(b) also alleged that that same officer used offensive language toward him while in the prisoner van on the way to the precinct stationhouse. Finally, § 87(2)(b) alleged that that same officer again spoke discourteously toward him at the precinct stationhouse. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) alleged that she went to the 77th Precinct stationhouse at the same time § 87(2)(b) was there, and asked PAA Henderson to speak with a captain. She stated that she waited for a long time and was never able to speak with a captain, however, she spoke with a white male in uniform who was associated with the incident at her house (Sgt. Talvy). She stated that Sgt. Talvy spoke to them about the arrests and then she became angry and started screaming and cursing at the officers for making her wait so long at the precinct. § 87(2)(b) stated that she informed Sgt. Talvy that she had intentions of filing a complaint, but she did not recall if she ever asked to file one at that time. § 87(2)(b) testified that when they went to the precinct, § 87(2)(b) asked PAA Henderson to speak with a captain and they were ultimately able to do so. § 87(2)(b) stated that when they complained about their door being broken, the “captain” told them that the city would pay for it and then told them to leave the precinct. Although § 87(2)(b) indicated that she was at the stationhouse with § 87(2)(b) and was able to add that Sgt. Talvy gave some of § 87(2)(b) possessions to him, she did not allege that an officer refused to provide his name or shield number to § 87(2)(b).

§ 87(2)(b) stated that the only officer he spoke with at the precinct who was involved in the arrest of § 87(2)(b) was in plainclothes and had a zip-up jacket. He stated that this officer refused to give him his name and badge number. § 87(2)(b) and § 87(2)(b) testified that they were at the stationhouse together. § 87(2)(b) stated that PO Margaritis was at the stationhouse and zipped up his jacket when she asked for his name and shield number. In her initial statement, § 87(2)(b) stated that PO Margaritis then provided his badge number verbally. However, in her second statement, § 87(2)(b) stated that PO Margaritis did not respond to her at all. § 87(2)(b) then alleged that she asked PAA Henderson to give her a pen so that she could write down PO Margaritis’s badge number, but that another officer said to PAA Henderson, “Don’t give her a fucking pen.” However, § 87(2)(b) did not testify that an officer refused to give § 87(2)(b) his name and badge number, nor did he allege an officer making the “pen” comment to the PAA. § 87(2)(g)

For his part, PO Margaritis testified that he went back out in the field with the rest of his team and was only at the stationhouse for a short time after the arrests because PO Acconi was the arresting officer, so he did the paperwork. PO Margaritis also stated that he did not speak with the members of § 87(2)(b) family at the stationhouse. However, Sgt. Talvy, who was in uniform, acknowledged speaking with all three people, § 87(2)(b) and § 87(2)(b) about the arrest and damage to their property. Sgt. Talvy remembered specific things that he had told the family, such as filling out a “City Involved Report” for their broken door, which is consistent with § 87(2)(b) statement that the officer she spoke with referenced the city paying for the damage. He also stated that no one asked him for his name or badge number because they were

really only concerned about their door and the arrest, not the specific officers. Sgt. Talvy stated that no officer ordered PAA Henderson to not give § 87(2)(b) a “fucking pen.” PAA Henderson, who worked by herself at the time of this incident, stated that she did not recall anyone coming in to file a complaint about damaged property or about Sgt. Talvy’s SNEU team. She was sure however, that no officer has ever told her to not give a civilian a “fucking pen” to file a complaint or write anything down. § 87(2)(g)

§ 87(2)(g)

Allegations Not Pleaded:

§ 87(2)(b) alleged that upon entering the house, PO Margaritis pushed § 87(2)(b) out of the way, but she did not fall to the ground. In § 87(2)(b)’s intake phone call, she stated that when officers came into her house, they knocked her to the ground in front of her children. However, § 87(2)(b) did not make this allegation during her official CCRB statement. § 87(2)(g)

§ 87(2)(g)

Allegations

(A) Abuse of Authority: At § 87(2)(b) in Brooklyn, officers drew their guns.

§ 87(2)(g)

§ 87(2)(g)

(B) Abuse of Authority: At § 87(2)(b) in Brooklyn, PO Joseph Tillotson damaged § 87(2)(b)’s property.

(C) Abuse of Authority: PO Joseph Tillotson entered and searched § 87(2)(b) in Brooklyn.

(D) Abuse of Authority: PO Steven Margaritis entered and searched § 87(2)(b) in Brooklyn.

Officers witnessed § 87(2)(b) and § 87(2)(b) in possession of a quantity of marijuana, which was later found at the scene and vouchered for evidence. Upon the officers exiting their vehicle, § 87(2)(b) and § 87(2)(b) fled inside § 87(2)(b) and locked the door behind them. It is not in dispute that PO Tillotson broke down the door by kicking it in, nor is it in dispute that he and PO Margaritis subsequently entered and searched the location for the two fleeing perpetrators.

According to Kamins Search and Seizure Law pertaining to hot pursuit, “the police may enter a premises without a warrant, to search for a suspect who has fled after committing a crime. The police must have probable cause to believe that the suspect has committed a crime and that he has fled into the specific premises, which the police are entering,” (enc. 1).

Sgt. Talvy stated that he drove by § 87(2)(b) and witnessed § 87(2)(b) rolling a marijuana cigarette. PO Tillotson corroborated this statement and added that PO Acconi also noticed the males in possession of marijuana upon driving up to the location. PO Tillotson stated that after he exited the vehicle, he could actually

smell the marijuana, which was later recovered and vouchered, and it was at that time that § 87(2)(b) and § 87(2)(b) fled and he gave chase.

§ 87(2)(g)

§ 87(2)(g)

(E) Abuse of Authority: PO Maribel Sarante entered and searched § 87(2)(b) in Brooklyn.

(F) Abuse of Authority: At § 87(2)(b) in Brooklyn, PO Maribel Sarante pointed her gun at § 87(2)(b) and § 87(2)(b)

As determined above, PO Sarante stayed outside with PO Acconi and § 87(2)(b) while other officers went inside looking for § 87(2)(b) and § 87(2)(b). While she was outside, PO Sarante and PO Acconi had a physical struggle with § 87(2)(b) until he was handcuffed, at which time, § 87(2)(b)'s relatives came outside and began yelling at the officers. Additionally, all officers were adamant about the fact that none of the officers drew their guns, let alone pointed them at anyone. § 87(2)(g)

(G) Discourtesy: At § 87(2)(b) in Brooklyn, PO Steven Margaritis spoke obscenely to § 87(2)(b)

and § 87(2)(b)

(I) Discourtesy: At § 87(2)(b) in Brooklyn, PO John Acconi spoke obscenely to § 87(2)(b)

(K) Abuse of Authority: At § 87(2)(b) in Brooklyn, PO Steven Margaritis threatened § 87(2)(b) with the use of force.

§ 87(2)(b) and § 87(2)(b) alleged that PO Margaritis told them to "Shut the fuck up" and that he threatened to "fucking kill" and "eat § 87(2)(b)'s ass for dinner." § 87(2)(b) alleged that PO Acconi told him to "Shut the fuck up." All of the officers who were interviewed stated that no discourteous language was used; they each also testified that no threats were made to any civilians. § 87(2)(g)

(H) Force: At § 87(2)(b) in Brooklyn, PO John Acconi used physical force against § 87(2)(b)

(J) Force: At § 87(2)(b) in Brooklyn, PO Maribel Sarante struck § 87(2)(b) with a nightstick.

It is not in dispute that PO Acconi took § 87(2)(b) to the ground and punched him. It is also not in dispute that PO Sarante hit § 87(2)(b) in the thigh area with her nightstick. It was determined that § 87(2)(b) physically resisted the officers who were chasing § 87(2)(b) and § 87(2)(b). He also physically resisted PO Acconi and PO Sarante as they tried to arrest and handcuff him.

The NYPD allows for officers to use the amount of force necessary to overcome resistance when they are attempting to effect the arrest of a resistant civilian.

PO Sarante stated that § 87(2)(b) was swinging at the officers and pushing them. Even after being taken to the ground, § 87(2)(b) continued to refuse to put his other hand behind his back, at which time PO Sarante struck § 87(2)(b) in the thigh area with her nightstick. Only then were PO Sarante and PO Acconi able to secure § 87(2)(b) in handcuffs. When the officers took § 87(2)(b) to the ground and PO Acconi punched him, they were able to secure one handcuff. However, even with one handcuff on, § 87(2)(b) continued to resist. PO Sarante had to use her nightstick – striking § 87(2)(b)

§ 87(2)(b) one time on the thigh -- to secure the other handcuff. § 87(2)(g)

(L) Offensive Language: While en route to the 77th Precinct stationhouse, PO John Acconi made remarks to § 87(2)(b) based upon race.

(M) Discourteous: At the 77th Precinct stationhouse, PO John Acconi spoke obscenely to § 87(2)(b)

§ 87(2)(g)

(N) Abuse of Authority: At the 77th Precinct stationhouse, Sgt. Talvy refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

(O) Discourtesy: At the 77th Precinct stationhouse, an officer spoke obscenely to § 87(2)(b)

§ 87(2)(b) alleged that an officer told PAA Henderson, "Don't give her a fucking pen" when she asked for one to write down a shield number. None of the § 87(2)(b)'s family members make this allegation, yet they were all supposedly at the stationhouse together. Moreover, PAA Henderson adamantly denied that any officer spoke to her in such a way. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date: